



Local Programs Procedures

LPP 94-04

Right-of-Way Certification for Emergency Relief Projects

Reference: Local Programs Manual, Volume I, Section 14, and Emergency Relief: Procedures for Developing Federal-Aid Highway Projects on Local Streets and Roads

Effective Date: March 31, 1994

Approved: ***Original Signed By***
Chief, Office of Local Programs

This procedure clarifies the requirements for Right-of-Way Certification on emergency relief projects. This procedure will be incorporated into the Local Programs Manual and the guidebook titled "Emergency Relief: Procedures for Developing Federal-Aid Highway Projects on Local Streets and Roads" during the next update.

EXISTING PROCEDURES

The Division of State and Local Project Development guidebook "Emergency Relief: Procedures for Developing Federal-Aid Highway Projects on Local Streets and Roads" contains a flowchart for the "Emergency Relief" program. The flowchart on pages 6 and 7 shows "Certify R/W (If Required)", "Caltrans submits R/W Certification ... to FHWA", and "FHWA Approves R/W Certification".

NEW PROCEDURES

The following procedure will be added to the Local Programs Manual, Volume I, Section 14, containing Right-of-Way procedures:

Emergency Relief Projects

Emergency Repair Phase: A Right-of-Way Certification is required AFTER the roadway is opened. The certification is not needed to meet the requirement for advertising, awarding, and administering as the work should already be completed.

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The Right-of-Way Certification is a formal document to confirm that no individuals or business entities were denied the use of their property during the emergency repair activities and that no personal property was moved. A Right-of-Way Certification Level 1, No Right-of-Way, should be prepared by a District Right-of-Way Agent and kept in the Local Assistance file.

If either persons or properties were affected during the emergency repair phase, even temporarily, the actions must be reviewed to determine if anyone has a right to be compensated for their loss. If warranted, an appraisal should be prepared followed by the acquisition and relocation assistance. A Right-of-Way Certification Level 1 should be prepared by the District Right-of-Way Agent describing the rights acquired and ensuring that any relocation assistance complies with the Federal Uniform Act. This Right-of-Way Certification should be kept in the Local Assistance file.

Restoration Phase: This phase is to be treated like a regular project and all right-of-way activities will have to be certified PRIOR to advertising, obtaining bids, awarding and administering the contract.

In addition, the following changes will be made in the Division of State and Local Project Development guidebook "Emergency Relief: Procedures for Developing Federal-Aid Highway Projects on Local Streets and Roads". The flowchart for the Emergency Relief program on pages 6 and 7 should indicate that "R/W Certification is required". Also, it should indicate that "Caltrans submits R/W Certification only for non-exempt projects and special requests to FHWA, as outlined in the stewardship agreements with FHWA".